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RUS42804.E

Russia: The availability of state protection to homosexuals (January 2002 - July 2004)
Research Directorate, Immigration and Refugee Board, Ottawa

During a presentation at the Ninth European Country of Origin Information Seminar held in Dublin, Ireland, on 26 and 27 May 2004, a Moscow-based representative of the United Nations High Commissioner of Refugees (UNHCR) indicated that there is "no state protection" available to homosexuals in Russia because "authorities simply can't be bothered" (26 May 2004).

Additional and corroborating information on the availability of state protection to homosexuals, including reports of ill-treatment and police and judicial response could not be found among the sources consulted by the Research Directorate. However, it is relevant to note that on 29 April 1993, sexual relationships between men were decriminalized (UNHCR June 2004, 49); (please see RUS33940.E of 29 February 2000 for additional information on this law). However, since the implementation of this law, some attempts have been made to re-criminalize homosexuality: in April 2002, the People's Deputy group in the Duma (Russian Parliament) introduced a bill to criminalize homosexuality (Interfax 24 Apr. 2002; *ibid.* 26 Apr. 2002; AI 1 Sept. 2002); in May 2002, members of the Liberal Democratic faction in the State Duma introduced a similar bill to criminalize lesbianism (Interfax 14 May 2002). These attempts failed (BBC 4 Sept. 2003). On 28 May 2004, the State Duma rejected a further initiative to amend the Criminal Code that would have criminalized homosexuality in Russia (Interfax 28 May 2004; ITAR-TASS 28 May 2004). In April 2004, a bill seeking to criminalize homosexual relations was rejected, and in June 2004, a bill that sought to bar homosexuals from holding seats in the Duma was also rejected (ebonylesbigay.org 15 June 2004).

In September 2003, Denis Gogolev and Misha Morozov were the first homosexual couple to ever wed in a church in Russia (BBC 4 Sept. 2003). It is unclear whether homosexual marriage is legal in Russia, however, BBC reported that a Russian Orthodox priest "who conducts a gay wedding could face excommunication" since the church is opposed to such marriages (*ibid.*). The priest who married Gogolev and Morozov was defrocked (*ibid.*), although information on whether he was excommunicated could not be found among the sources consulted by the Research Directorate.

In January 2003, Valery Kulikov, the Major-General of the Medical Service, announced that

...the new statute about military and medical expertise from July 1, 2003 does not forbid people of non-standard sexual orientation from serving in the military...[a] person's homosexuality is not medical....There is no such illness in the classification of World Health Organization. The new statute about military and medical expertise follows international law practice. Therefore the reasons for evaluating the ability to serve for homosexuals are the same: physical and psychic health (*Pravda* 12 Jan. 2003).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

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Additional Sources Consulted

Internet sites, including: Amnesty International (AI), *Country Reports on Human Rights Practices for 2003*, European Country of Origin Information Network (ECOI), *Freedom in the World 2003*, Human Rights Watch (HRW), International Helsinki Federation for Human Rights, Integrated Regional Information Network (IRIN), International Lesbian and Gay Association (ILGA), *Prima News*, Radio Free Europe/Radio Liberty (REF/RL), *The Russia Journal*, United Nations High Commissioner for Human Rights (UNHCHR).

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